

#### REMARKS

In the outstanding official action, claim 9 was rejected under 35 USC 112 as being indefinite for failure to particularly point out and distinctly claim the subject matter regarded as the invention, and also for reciting only or functional or operational language. In response, claim 9 is herewith cancelled, without prejudice.

On the merits, claims 1-9 were rejected under 35 USC 102(e) as being anticipated by Takahashi et al, for the reasons of record. In response, independent claims 1 and 6 are herewith amended for improved clarity and definiteness, and it is respectfully submitted that these claims, as well as the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied reference for the reasons detailed below.

With respect to independent claim 1 (with claim 6 being rejected for the same reasons) it was suggested in the Action that Takahashi discloses a record carrier which comprises an area (14) comprising signals indicating whether or not the areas for storing disc management information are in use, each one of the signals being related to one of the storage areas for storing disc management information.

In response, it is respectfully submitted that the portions of the cited reference showing and describing area 14 do not show or

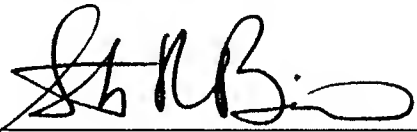
suggest the subject matter of the instant invention as indicated in the Action.

More specifically, the area 14 is explicitly described as a "disc definition structure" or "DDS" (page 26, lines 18-19) and this disc definition structure or DDS 14 is clearly described as containing "additional information" (page 28, last line). Thus, the disc definition structure or DDS 14 is clearly not an area comprising signals indicating whether or not the areas for storing disc management information are in use, with each one of the signals being related to one of the areas for storing disc management information, as expressly and positively recited in independent claims 1 and 6. Additionally, cited Figs. 2, 6 and 8 of the reference as well as their associated descriptions have been examined, and these portions of Takahashi also do not appear to show or suggest the aforementioned specific recitations of independent claims 1 and 6. Finally, with reference to the description pertaining to cited Fig. 6 (see page 37) it is noted that the method described in the reference requires amplitude examinations to determine whether or not a signal is present, a teaching directly contrary to the instant invention as recited, wherein specific signals are provided to indicate whether or not specific areas for storing disc management information are in use,

thus obviating the need for such amplitude examinations as taught by the reference.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1 and 6, as well as the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied reference. Accordingly, allowance of the currently-pending claims is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

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